IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 209 OF 2005

Mrs. A.R. Malhotra ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

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Mr. Pramoy Badheka i/b Mr. J.M. Shah, Advocate for Petitioner

Mr. S.V. Kotwal i/b M/s. V. Deshpande for Respondent No.2.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 30TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The petitioner has prayed for quashing of process issued against her in Criminal Case No. 266/S/2003 which is pending in the Court of learned Metropolitan Magistrate 23rd Court, Esplanade, Mumbai. In the said case, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that as the petitioner is aged about 75 years and is residing at Delhi, the revision would be filed within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today. The learned advocate for the respondent No.2 i.e. original complainant fairly states that no objection would be raised in respect of limitation in filing revision by the petitioner before the Sessions Court.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ petition is disposed of.

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